

Message Text

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ACTION DLOS-04

INFO OCT-01 AF-08 ARA-10 EUR-12 EA-09 IO-13 ISO-00 NEA-10

FEA-01 ACDA-10 AGR-10 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-02 COME-00 DODE-00 DOTE-00 EB-07 EPA-04

ERDA-07 FMC-02 TRSE-00 H-02 INR-07 INT-05 JUSE-00

L-03 NSAE-00 NSC-05 NSF-02 OES-06 OMB-01 PA-02 PM-04

PRS-01 SP-02 SS-15 USIA-15 SAL-01 /188 W

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R 281917Z APR 76

FM USMISSION USUN NY

TO SECSTATE WASHDC 7135

INFO AMEMBASSY ANKARA

AMEMBASSY ATHENS

AMEMBASSY JAKARTA

AMEMBASSY LONDON

AMEMBASSY MADRID

AMEMBASSY MANILA

AMEMBASSY MOSCOW

AMEMBASSY NASSAU

AMEMBASSY PARIS

AMEMBASSY PORT LOUIS

AMEMBASSY PORT MORESBY

AMEMBASSY QUITO

AMEMBASSY SUVA

AMEMBASSY TOKYO

UNCLAS SECTION 1 OF 2 USUN 1783

FROM LOS DELEGATION

E.O. 11652: N/A

TAGS: PLOS

SUBJECT: LOS COMMITTEE II MEETINGS, 22-23 APRIL 1976

(ARCHIPELAGOS)

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1. SUMMARY. COMMITTEE II BEGAN CONSIDERATION OF PART VII ARCHIPELAGOS DURING THE AFTERNOON SESSION OF 22 APRIL AND CONTINUED CONSIDERATION DURING THE MORNING SESSION OF 23 APRIL. DISCUSSION OF ARTICLES 117 AND 118 WAS COMPLETED.

2. U.S. (CLINGAN) OPENED DEBATE BY PROPOSING TECHNICAL AMENDMENT TO DELETE SECTION HEADING "SECTION 1. ARCHIPELAGO STATES" AND SUGGESTING POSSIBLE CHANGE TO TITLE TO "ARCHIPELAGOS" OR "ARCHIPELAGIC STATES". U.S. DEL POINTED OUT THAT THIS PART INVOLVES A POTENTIAL MAJOR CHANGE IN INTERNATIONAL LAW THAT IS TROUBLING AND ENCOURAGING AT THE SAME TIME. IT IS TROUBLING IN THAT IT IS NOT YET CLEAR THAT ALL ARCHIPELAGO STATES CONCERNED CAN AGREE TO LIMIT THE AREA TO WHICH ARCHIPELAGO CONCEPT WOULD APPLY BY A CAREFUL DEFINITION, AND MORE IMPORTANTLY TO PROVIDE FOR ADEQUATE GUARANTEES FOR TRANSIT THROUGH AND OVER WATERS INVOLVED. IT IS ALSO TROUBLING BECAUSE THE MERE PRESENCE OF THIS CHAPTER MAY INVITE ATTEMPTS BY OTHERS TO EXPAND ITS APPLICATION. ON THE OTHER HAND, U.S. DEL STATED THAT THIS PART IS ENCOURAGING IN THAT IT PROVIDES AN UNIQUE OPPORTUNITY TO ACCOMMODATE THE LEGITIMATE CONCERNS OF CERTAIN ARCHIPELAGIC STATES, CONCERNS WHICH ENJOY OUR SYMPATHY AND UNDERSTANDING IN A MANNER CONSISTENT WITH THE INTERESTS AND NEEDS OF OTHERS.

3. USSR PROPOSED DELETION OF SUBHEADINGS "SECTION 1. ARCHIPELAGO STATES". AND "SECTION 2. OCEANIC ARCHIPELAGOS BELONGING TO CONTINENTAL STATES", AND CHANGING TITLE OF PART VII FROM "ARCHIPELAGOS" TO "ARCHIPELAGIC STATES" ON THE GROUND THAT THIS SUBJECT SHOULD NOT APPLY TO ANY INSULAR PARTS OF CONTINENTAL STATES. INDIA STATED THAT U.S. AND USSR CHANGES WERE SO FUNDAMENTAL IN NATURE AS TO SHAKE THE BASIS OF THE SNT AND THUS MAKE THE CONVENTION NON-NEGOTIABLE. ECUADOR POINTED OUT THAT USSR PROPOSAL WAS INCONSISTENT WITH ARTICLE 131 AND THAT THEREFORE SHOULD PROCEED TO CONSIDERATION OF ARTICLE 117. BRAZIL (SUPPORTED BY UK) SUGGESTED DELAYING CONSIDERATION OF USSR PROPOSAL UNTIL AFTER CONSIDERATION OF ARTICLE 131.

A. US/ USSR PROPOSALS WERE SUPPORTED BY: TUNISIA,
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UKRAINIAN SSR, POLAND, LIBERIA, GDR, MOROCCO, IRAQ, THAILAND, BULGARIA, TURKEY, SENEGAL, ISRAEL, PAKISTAN, BYELORUSSIAN SSR, MALATA, NICARAGUA, UNITED ARAB EMIRATES, EGYPT, ALGERIA AND HUNGARY.

B. US/USSR PROPOSALS WERE OPPOSED BY: INDIA, ECUADOR, COLOMBIA, CHILE, SPAIN, PORTUGAL, PERU, URUGUAY, GUATEMALA, MEXICO, GREECE AND ETHIOPIA.

C. SOME OF THE LL AND GDS (NOTABLY AUSTRIA AND

GDR) STATED THAT THEY CAN SUPPORT THE ARCHIPELAGO CONCEPT ONLY IF THERE IS AN ACCOMMODATION FOR THE INTERESTS OF THE LL AND GDS.

D. NEW ZEALAND STATED ITS SUPPORT FOR THE ARCHIPELAGO CONCEPT ONLY IF THE ISLANDS OFF NEW ZEALAND ARE PROTECTED BY AN ADEQUATE REGIME FOR ISLANDS.

4. ARTICLE 117-DEFINITION OF ARCHIPELAGIC STATES.

SUBA PROPOSED THE DELETION FOR PARAGRAPH 2(A) OF THE FINAL CLAUSE "AND MAY INCLUDE OTHER ISLANDS". THIS AMENDMENT WAS SUPPORTED BY HUNGARY, USSR, BULGARIA, UKRAINIAN SSR, POLAND AND GDR, AND OPPOSED BY NICARAGUA AND FIJI. CUBA RESERVED ON THE CLAUSE "AND OTHER NATURAL FEATURES" IN PARAGRAPH 2(B).

5. ARTICLE 118 -DELIMITATION OF ARCHIPELAGOS

A. PARAGRAPH 1- BULGARIA (SUPPORTED BY UK, USSR, U.S.,FRG, CUBA, GDR, UKRAINIAN SSR, NETHERLANDS) PROPOSED TO REPLACE THE WORDS "STRAIGHT BASELINES" WITH THE WORDS "ARCHIPELAGIC BASELINES" IN PARAGRAPHS 1, 5, AND 6. ON THIS POINT INDONESIA EXPRESSED SYMPATHY AND SUGGESTED THAT THE PHRASE "ARCHIPELAGIC STRAIGHT BASELINES" MIGHT BE MORE APPROPRIATE

--PAPUA NEW GUINEA SUBMITTED DRAFTING CHANGE TO ADD AT THE END THE FOLLOWING LANGUAGE. "PROVIDED THAT THE ARCHIPELAGO SO CONSTITUTED INCLUDES THE MAIN ISLANDS AND COMPRISES AN AREA". THIS WAS SUPPORTED BY THE BAHAMAS, U.S., NETHERLANDS, AUSTRALIA, NEW ZEALAND, INDONESIA, WESTERN SOMOA AND FIJI,

--BULGARIA (SUPPORTED BY CUBA) PROPOSED THE DELETION OF "AND DRYING REEFS"

--MAURITIUS MOVED FOR PUTTING A PERIOD AT THE END OF "DRYING REEFS OF THE ARCHIPELAGO" IN LINE TWO, AND UNCLASSIFIED

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DELETING EVERYTHING THEREAFTER.

--CAPE VERDE PROPOSED PLACING A PERIOD AFTER "ENCLOSE THE MAIN ISLANDS" IN THE THIRD LINE, AND DELETING EVERYTHING THEREAFTER.

--FIJI WANTS THIS PARAGRAPH TO ENCOMPASS GENUINE ARCHIPELAGOES.

--UK (SUPPORTED BY NETHERLANDS) STATED IT CAN ACCEPT THE WATER TO LAND RATIO IN THE SNT. BUT IF THERE MUST BE A CHANGE IT CAN ALSO ACCEPT THE RATIO OF TWO PARTS LAND TO ONE PART SEA. JAPAN SUPPORTED THIS CHANGE OF WATER" LAND RATIO.

--USSR EXPRESSED STRONG OPPOSITION TO ANY CHANGE OF THE WATER"LAND RATIO.

--IN THE INTEREST OF CLARITY, ZAMBIA PROPOSED TO REPLACE THIS PARAGRAPH WITH FOLLOWING LANGUAGE: "THE MAXIMUM

DIRECT DISTANCE BETWEEN ISLANDS TO CONSTITUTE AN ARCHIPELAGO
SHOULD BE -----".

B. PARAGRAPH 2

--PHILIPPINES PROPOSED TO REPLACE THE LENGTH
OF THE BASELINES FROM "80" TO 100" NAUTICAL MILES, AND
TO FILL THE PERCENT BLANK WITH "5". THESE CHANGES WERE SUPPORTED
BY INDONESIA, FIJI, URUGUAY, LIBERIA, NIGERIA, MOROCCO,
EGYPT AND ECUADOR, AND OPPOSED BY USSR AND BULGARIA.
--UK, U.S., CUBA, BULGARIA, USSR PROPOSED THAT THE PERCENT
BLANK BE FILLED WITH "1".

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FROM LOS DELEGATION

--LIBERIA OPPOSED ANY CHANGE IN LENGTH OF BASELINES.

--PAPUA NEW GUINEA SUPPORTED 5 PERCENT FIGURE.

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--MAURITIUS PROPOSED DELETION OF THIS PARAGRAPH.

--CAPE VERDE PROPOSED 100 MILE BASELINES,
WITH A 30 PERCENT EXCEPTION FOR LINES UP TO
A MAXIMUM OF 150 MILES.

--BAHAMAS CAN ACCEPT 80 MILE BASELINES, BUT HAS NO
OBJECTION TO 100 MILE BASELINES. ALSO, IT HAS NO DIFFICULTY
WITH 1 PERCENT FIGURE, BUT HAS NO OBJECTION TO 5 PERCENT FIGURE.

--FRG, WHILE OPPOSING DELETION, DOUBTED RETENTION OF THE
EXCEPTION. IF EXCEPTION RETAINED, IT FAVORED THE 1 PERCENT
FIGURE.

C. PARAGRAPH 3. -DELETION WAS SUPPORTED BY COLOMBIA AND
MAURITIUS, AND OPPOSED BY FUJI AND UKRAINIAN SSR.

D. PARAGRAPH 4

--UK, SUPPORTED BY AUSTRALIA, SUGGESTED THIS PARAGRAPH
SHOULD BE CONSISTENT WITH ARTICLE 6, PARAGRAPH 4.

E. PARAGRAPH 5

--POLAND, SUPPORTED BY USSR, PROPOSED DELETION
OF " AND EXCLUSIVE ECONOMIC ZONE". COMMITTEE CHAIRMAN
(AGUILAR) PLEADED FOR NO FURTHER DEBATE ON THIS SUBJECT
SINCE IT WAS FULLY TREATED IN CONNECTION WITH ARTICLE 73.

F. PARAGRAPH 6

--PHILIPPINES PROPOSAL TO DELETE "LARGE-SCALE" SUPPORTED
BY INDONESIA, USSR, JAPAN, U.S., EGYPT AND NORWAY.

--LIBERIA PROPOSAL TO INSERT "SUITABLE" BEFORE "CHARTS"
SUPPORTED BY U.S. AND NORWAY.

--NETHERLANDS WANTS CONSISTENCY WITH OTHER SIMILAR

PROVISIONS IN THE CONVENTION.

G. PARAPHRASE 7
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-- MALAYSIA PROPOSED TO REPLACE THE SNT WITH FOLLOWING
LANGUAGE:

"IF THE DRAWING OF SUCH BASELINES RESULTS IN ENCLOSING
AN AREA OR AREAS OF THE SEA SEPARATING TWO OR MORE PARTS
OF AN IMMEDIATELY ADJACENT NEIGHBORING STATE, ALL EXISTING RIGHTS
WHICH THAT STATE HAS TRADITIONALLY EXERCISED AND ALL RIGHTS
STIPULATED UNDER AGREEMENTS ALREADY CONCLUDED AND OTHER
LEGITIMATE INTERESTS SHALL ENURE AND REMAIN UNAFFECTED".

--UK, IN EXPRESSING SYMPATHY WITH BUT NO OPINION ON THIS
PROPOSAL, SUGGESTED THAT INTERESTED DELEGATIONS GET TOGETHER
TO AGREE ON A SUITABLE FORMULA. UK EXPRESSED SUPPORT FOR
ANY SUCH RESULT. U.S., INDONESIA AND USSR STATED THEY WILL
STUDY THIS PROPOSAL. FRG SUPPORTED MALAYSIA IN GENERAL.

H. PARAGRAPH 8

--DELETION WAS SUPPORTED BY COLOMBIA AND BULGARIA, AND OPPOSED
BY FIGI, BAHAMAS AND TURKEY.

--TURKEY POINTED OUT THAT PARAGRAPH 1 USES "DRYING REEFS"
AND PARAGRAPH 8 USES "FRINGING REEFS" AND THAT CONSISTENCY IN
LANGUAGE SHOULD BE ACHIEVED. IT RESERVED ON THIS PARAGRAPH
PENDING DISCUSSION OF REGIME ON ISLANDS.

I. TONGA RESERVED ON ARTICLE 118 PENDING RESULTS OF
DELIBERATIONS ON ISLANDS. BELGIUM, FEARING AN EXCESSIVE
GRAB BY ARCHIPELAGO STATES, ALSO RESERVED PENDING FURTHER
DEVELOPMENTS.

6. APPEAL ON BEHALF OF CAPE VERDE

BRAZIL STATED IT CAN ACCEPT ARTICLE 118 OF THE SNT AS IS.
HOWEVER, IT EXPRESSED STRONG SYMPATHY FOR THE PROBLEMS OF
MAURITIUS, TONGA, AND CAPE VERDE, AND ACCORDINGLY
PROPOSED NECESSARY CHANGES TO INCLUDE THEM AS FULL ARCHIPELAGIC
STATES. APPEAL FOR MAKING A SPECIAL CASE FOR INCLUSION OF
CAPE VERDE WAS SUPPORTED BY HAITI, PORTUGAL, GUINEA, UGANDA,
SOMALIA, ECUADOR, NIGERIA, GHANA, ROMANIA, GREECE,
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ETHIOPIA AND ALGERIA.
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